

Docket No.: MASIMO.353A

April 20, 2005

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Please Direct All Correspondence to Customer Number **20995****REQUEST FOR CONTINUED EXAMINATION**

Applicants : Gene Mason et al.  
 App. No : 10/679,963  
 Filed : October 6, 2003  
 For : OPTICAL PROBE INCLUDING  
 PREDETERMINED EMISSION  
 WAVELENGTH BASED ON PATIENT  
 TYPE  
 Examiner : Matthew J. Kremer  
 Art Unit : 3736

**CERTIFICATE OF FAX TRANSMISSION  
PTO CENTRALIZED FAX**

I hereby certify that this correspondence  
and all marked attachments are being  
transmitted via facsimile to the USPTO  
centralized Fax No. (703) 872-9306 on the  
date shown below.

April 20, 2005

(Date)

John M. Grever, Reg. No. 42,610

**Mail Stop RCE**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Enclosed is:

- (X) the Amendment and Response to Final Office Action dated December 23, 2004 under 37 C.F.R. § 1.116 previously filed via facsimile on March 23, 2005 in 8 pages.

Fees:

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
RCE Fee		1801 (\$790)		\$790
Suspension of Action		1463 (\$130)		\$0
Total Claims	12 - 20 = 0	1202 (\$50)	0 x 50 =	\$0
Independent Claims	3 - 3 = 0	1201 (\$200)	0 x 200 =	\$0
1 Month Extension		1251 (\$120)		\$120
			<b>TOTAL FEE DUE</b>	<b>\$910</b>

An extension of time is hereby requested by payment of the appropriate fee indicated above.

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**Payment:**


Charge \$910 to Deposit Account No. 11-1410.

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. § 1.16 and § 1.17 which may be required, now or in the future, or credit any overpayment to Deposit Account No. 11-1410.

**Address all future communications to Customer No. 20,995.**

Respectfully submitted,  
KNOBBE MARTENS OLSON & BEAR LLP

Dated: April 20, 2005

  
John M. Grover  
Registration No. 42,610  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

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